

**E-Filing**

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6 AVENTIS PHARMACEUTICALS INC.,

AVENTIS PASTEUR INC. and

7 AVENTIS PASTEUR LIMITED

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Attorneys for Defendant

12 MENLO WORLDWIDE FORWARDING, INC. fka

EMERY WORLDWIDE

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **(SAN FRANCISCO DIVISION)**

17 AVENTIS PHARMACEUTICALS INC.,  
 18 AVENTIS PASTEUR INC. and AVENTIS  
 PASTEUR LIMITED,


19 Plaintiffs,

20 v.

21 EMERY WORLDWIDE, a CNF company;  
 22 EMERY CUSTOM SERVICES; EMERY  
 23 OCEAN SERVICES; MENLO WORLDWIDE  
 FORWARDING, INC. fka EMERY AIR  
 24 FREIGHT CORPORATION or EMERY  
 FORWARDING; EMERY WORLDWIDE  
 AIRLINES, INC. and DOES 1 through 20,

25 Defendants.

CASE NO.: C-04-05028 VRW

**STIPULATED DISMISSAL WITHOUT  
 PREJUDICE AND ~~PROPOSED~~  
 ORDER [F.R.C.P. 41(a)(1)]** 

27 IT IS HEREBY STIPULATED by and between the Plaintiffs AVENTIS  
 28 PHARMACEUTICALS INC., AVENTIS PASTEUR INC. and AVENTIS PASTEUR LIMITED

1

**STIPULATED DISMISSAL WITHOUT PREJUDICE & ORDER (C-04-05028 VRW )**

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(collectively "Plaintiffs" or "AVENTIS") and Defendants MENLO WORLDWIDE FORWARDING, INC. fka EMERY WORLDWIDE ; EMERY WORLDWIDE, a CNF company; EMERY CUSTOM SERVICES; EMERY OCEAN SERVICES; MENLO WORLDWIDE FORWARDING, INC. fka EMERY AIR FREIGHT CORPORATION or EMERY FORWARDING; EMERY WORLDWIDE AIRLINES, INC. and its/their successors and assigns (hereinafter "Defendants" or "EMERY") through their counsel of record, and requested that Plaintiff's complaint against Defendants be dismissed without prejudice.

Defendants hereby waive and toll any and all applicable limitations of time to file lawsuits against them or their successors and assigns whether by statute, contract, treaty or otherwise for a period of 1 year (365 days) from the date of the signing of the below order by the Court. Plaintiffs may re-bring and re-file their lawsuit against Defendants in any court of competent jurisdiction within that time period. Each party preserves all of its/their rights, remedies and defenses under all applicable contracts, terms and conditions, tariffs and/or at law. Defendants expressly preserve their claimed defense that they were not provided timely notice of the loss at issue in this lawsuit.

Defendant and Third Party Plaintiff MENLO WORLDWIDE FORWARDING, INC. fka EMERY WORLDWIDE also hereby requests under F.R.C.P. 41(c) the dismissal without prejudice of its Third Party Complaint against Third Party Defendant AIR FRANCE-KLM and AIR FRANCE ("third party defendants" or "AIR FRANCE"). At the time of this filing AIR FRANCE had not been served nor responded to this Third Party Complaint.

These dismissals without prejudice leave no other parties to this action.

Each party will bear its own attorney's fees and costs in this action.

Dated: July 8, 2005

**LAW OFFICES OF GEORGE W. NOWELL**

By: \_\_\_\_\_ /S/  
 PAUL B. ARENAS  
 Attorneys for Plaintiffs  
 AVENTIS PHARMACEUTICALS INC.,  
 AVENTIS PASTEUR INC. and  
 AVENTIS PASTEUR LIMITED COMPANY

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Dated: July 8, 2005

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RUDY LLP**

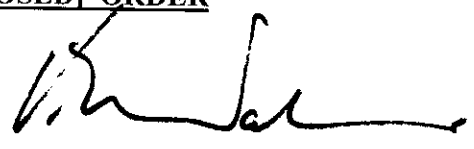
By:                     /S/                      
GORDON D. MCAULEY

Attorneys for defendants  
MENLO WORLDWIDE FORWARDING, INC. fka  
EMERY WORLDWIDE ; EMERY WORLDWIDE,  
a CNF company; EMERY CUSTOM SERVICES;  
EMERY OCEAN SERVICES; MENLO  
WORLDWIDE FORWARDING, INC. fka EMERY  
AIR FREIGHT CORPORATION; EMERY  
FORWARDING; EMERY WORLDWIDE  
AIRLINES, INC.

  
**PROPOSED ORDER**

IT IS SO ORDERED.

Dated: July 12, 2005

  
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VAUGHN R. WALKER  
United States District Court Judge  
Northern District of California.